

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 15, 2003

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B165865 People v. Tovar
B163950 People v. Locke
B160590 People v. Chhay
B164238 People v. Johnson
B162628 People v. Oatis
B165487 People v. Urquiza
B166808 DCFS v. Rebb B.
B168808 DCFS v. Yahya R.
B162447 Notsu v. Eslambolipoor
B165629 DCFS v. Lucia G.
B167591 DCFS v. Monique L.
B168753 DCFS v. Juan L.
B165749 DCFS v. Susana E., et al.

Argument waived, cause submitted.

B166607 People
 v.
 Suh

Merits:

Argued by Robert Henry, Deputy Attorney General for respondent and by Joseph Walsh for appellant. Cause submitted.

DIVISION TWO (Continued)

B163965 People
 v.
 Lee

Merits:

Argued by Matthew Monforton, Deputy District Attorney for appellant and by Jina Nam for respondent. Cause submitted.

B166807 People
 v.
 Salazar

Merits:

Argued by Catherine Kohm, Deputy Attorney General for respondent and by Edward Haggerty for appellant. Cause submitted.

B161925 Burrito King, Inc., et al.
 v.
 Dept. of Recreation & Parks, et al.

Merits:

Argued by Robert Gerstein for appellants and by Michael Nagle, Deputy City Attorney for respondents. Cause submitted.

B160503 Galanter, et al.
 v.
 Gray Gielegghem Belcher, et al.

Merits:

Argued by Douglas Galanter for appellants, by Mitchell Mulbarger for respondents Gray Gielegghem Belcher, et al. and by Robin McConnell for respondent M. Belcher. Cause submitted.

DIVISION TWO (Continued)

B162991 Raquel Larson
 v.
 Christopher Larson

Merits:
Argued by R. Brian Oxman for appellant and by John Fuchs for respondent.
Cause submitted.

B161912 Blanchard
 v.
 H. Kovacs, Ph.D, et al.

Merits:
Argued by Michael Oddenino for appellant, by Erica Levitt for respondent,
H. Kovacs, Ph.D. and by Mark Schreiber for respondent, A. Kovacs, Ph.D.
Cause submitted.

B162195 Mankaruse
 v.
 Teradyne, Inc.

Merits:
Argued by Nagui Mankaruse appellant in propria persona and by Shirley
Deutsch for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy
Clerk.

B161005 People
 v.
 Cuellar

Merits:
Argued by David Glassman, Deputy Attorney General for respondent and
by Gerald Serlin for appellant. Cause submitted.

DIVISION TWO (Continued)

B164475 Breslow
 v.
 Golden

Merits:

Argued by Eve Wagner for respondent and by John Marcin for appellant.
Cause submitted.

Court adjourned.

B159992 H.O.P.E.
 v.
 Montebello Unified School District

Filed order denying petition for rehearing.

DIVISION THREE

B163373 Leonard C. Kohn (Not for Publication)
 v.
 Cary Medill, et al.

The order denying defendants' Code of Civil Procedure section 473 motion is reversed. The trial court is directed to vacate the judgment and default against Steinberg, and further directed to vacate the judgment against Medill, and to proceed with this case in accordance with the views expressed herein. All parties shall bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B165600 Los Angeles County, D.C.S. (Not for Publication)
v.
A.P., et al.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B158167 John Esposito, et al. (Not for Publication)
v.
Computer Sciences Corp., et al.

The judgment in favor of CSC and against Esposito and Trujillo is reversed in part, and affirmed in part. The trial court is directed to vacate its order granting CSC's motion for summary adjudication on Esposito and Trujillo's breach of implied contract claim, and enter a new order denying summary adjudication on the breach of implied contract claim. In all other respects, the judgment is affirmed. This action is remanded to the trial court for further proceedings consistent with the views expressed herein. The parties shall bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION FOUR

B157801 Wells (Not for Publication)
B159406 v.
B161857 Dailey
B162775

Appeal No. B157801 is dismissed. The judgment of April 17, 2003, is affirmed. The order of May 29, 2002, is affirmed. The order of September 5, 2002, is affirmed. Respondent Dailey shall have her costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

December 15, 2003 (Continued)

DIVISION FOUR (Continued)

B163262 People
v.
Fielder

Filed order denying petition for rehearing.

DIVISION FIVE

B164059 People (Not for Publication)
v.
Khayyan Duvall

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B165027 People (Not for Publication)
v.
Deitrick R.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B160533 People
v.
Tony Tena

Filed order denying petition for rehearing.

December 15, 2003 (Continued)

DIVISION FIVE (Continued)

B157157 Hiram Ash
v.
Hoag Property Management Inc., et al.

Filed order denying petition for rehearing.

DIVISION SIX

B161721 Falk (Not for Publication)
v.
Falk

The orders for temporary child and spousal support are affirmed. Costs on appeal are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B159647 Laursen
v.
Pope

Filed order denying petition for rehearing.

DIVISION SEVEN

B162971 People (Certified for Partial Publication)
v.
Arzate

The jury's true findings of personal use of a handgun (Pen. Code § 12022.5, subd. (a)) and infliction of great bodily injury (Pen. Code § 12022.7, subd. (a)) on Count III are stricken. The ten-year enhancement imposed and stayed for personal use of a firearm on Count III is stricken. As so modified, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B164934 People (Not for Publication)
v.
Torres

The judgment is modified by staying the two-year sentence on count 2 (assault with a deadly weapon by means of force likely to produce great bodily injury) pursuant to Penal Code section 654. The sentence is stayed pending the completion of the sentence on count 1 (residential robbery) and then permanently stayed. The aggregate sentence is thereby reduced to 14 years. Additionally, the abstract of judgment must be modified to reflect the imposition of a one-year enhancement pursuant to Penal Code section 12022, subdivision (a)(1) and not Penal Code section 667.5, subdivision (b). Finally, the one-year enhancement pursuant to Penal Code section 667.5, subdivision (b) must be stricken, not stayed. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. As modified, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B169108 Gelson's/Arden Group, Zurich Ins. Co. (Not for Publication)
v.
W.C.A.B.
Baez, respondent

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion. In addition, Baez's request for attorney's fees under section 5801 is denied.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

December 15, 2003 (Continued)

DIVISION SEVEN (Continued)

[illegible]

The appeal filed in case number GA044765 is dismissed. Appellant's pre-sentence work time credits are reduced by two days in case number GA044571, but in all other respects that judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B166496 Barile (Not for Publication)
v.
Barile

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B157527 Hernandez, et al. (Certified for Publication)
v.
State of California, Department of Transportation

The judgment is reversed. The matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Hernandez is to recover her costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B164756 Goodson (Not for Publication)

v.
Charles and Carol W.

The judgment is reversed, and the case is remanded for further proceedings not inconsistent with this opinion. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

B161734 Sedaghat, et al. (Not for Publication)

v.
Gourde, et al.

The order granting the attorney defendants' special motion to strike is affirmed. The attorney defendants are to recover their attorney fees and costs on appeal. The matter is remanded to the trial court to determine the amount of attorney fees and costs on appeal to be awarded to the attorney defendants.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

B166417 Los Angeles County, D.C.S. (Not for Publication)

v.
Anita H., et al.,
In re Daisy B.

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

December 15, 2003 (Continued)

DIVISION SEVEN (Continued)

B161583 People
 v.
 Martinez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)